

Date of Hearing: May 11, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 1685 (Bryan) – As Amended April 6, 2022

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| Policy Committee: | Transportation | Vote: | 14 - 0 |
| | Housing and Community Development | | 7 - 0 |

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill requires a processing agency—such as a local government—to have a program to forgive parking citations for persons who are homeless.

Specifically, this bill requires a processing agency to forgive the outstanding parking fines and fees, including any service fees or late fees, of a person who is experiencing homelessness no later than 30 days after the person’s application is received by the processing agency for any vehicle for which the person is the registered owner. The bill allows a processing agency to limit the total amount of fines and fees forgiven, or the number of applications allowed, provided any limitation is no less than \$1,500 per applicant, per calendar year, and any limitation on the number of applications is no fewer than four per applicant, per calendar year. And, the bill prohibits a processing agency from imposing additional qualifications for citation forgiveness, including mandatory participation in any service, program or mandatory community service. Finally, the bill specifies how the processing agency must publicize the availability of the forgiveness program.

The bill authorizes a processing agency to verify a person’s status as homeless through a Continuum of Care (CoC) or a homeless services provider, as specified, and authorizes a legal services provider or health care provider to require an applicant be a client in order to verify that a person is experiencing homelessness.

The bill requires the California Interagency Council on Homelessness (CA-ICH), in an area in which the availability of homeless services providers is sparse, as determined by the continuum of care, to develop an alternative low-barrier process to determine an applicant’s status as homeless.

The bill requires each processing agency, starting March 1, 2024, to annually report to the CA-ICH the number of citation forgiveness applications received, and the total number of citations and total amount of penalties and fines waived during the previous calendar year, in a form prescribed by CA-ICH.

FISCAL EFFECT:

The Department of Motor Vehicles indicates, to comply with this bill, the DMV would follow existing procedures when processing parking citations on a vehicle record. Therefore, DMV does not anticipate any implementation efforts or costs.

However, the bill entails cost of a potentially significant amount (General Fund) because the bill will result in foregone parking citation revenue to local agencies. If such an agency or agencies submit a claim with the Commission on State Mandates, and the commission determines the bill imposes a reimbursable mandate on local government, the state would need to reimburse the local costs.

COMMENTS:

- 1) **Purpose.** The author intends this bill to prevent the chain of harms that can befall a person who does not pay parking tickets. According to the author:

Parking enforcement can exacerbate poverty and the cost of enforcement for local governments are often greater than the fines and fees that end up being collected. AB 1685 will waive many parking fees for people who are unhoused. Instead of continuing to penalize poverty, let's save some money with good policy and use it to get people more of the housing and services they really need. Lose your financial stability, lose your house. Lose your house, live in your car. Lose your car, set up an encampment. This cycle of poverty is vicious and AB 1685 creates the policy solution that allows us to do better.

- 2) **Background.** California has an exceptionally large number of people experiencing homelessness. Based on the 2020 point-in-time count, California has the largest homeless population in the nation, with 161,548 people experiencing homelessness in California on any given night. Many of those people, 113,660, are unsheltered, meaning they are living outdoors and not in temporary shelters. Nearly half of all unsheltered people in the country are in California. (The point-in-time count is a count of sheltered and unsheltered people experiencing homelessness on a single night in January, which the federal Department of Housing and Urban Development requires CoCs conduct annually)

Parking tickets can be costly. Many people experiencing homelessness cannot pay them, or have great difficulty doing so. The consequences of not paying a parking ticket is additional financial burden. For example, some jurisdictions levy a penalty for failure to pay a parking ticket that is equal to the dollar amount of the parking ticket itself.

But, the consequences do not stop there. Existing law allows a parking agency to request DMV to add the amount of an unpaid parking ticket, and associated fines, to the annual registration fee for the ticketed vehicle. Should a person be unable to register their vehicle, or unable to register it on time, the DMV adds a late fee to the cost of the registration. Operation of an unregistered vehicle on public roadways is subject to a fine of \$285. What's more, a vehicle with five or more unpaid parking tickets is subject to towing—with the vehicle owner responsible for the cost of towing and impoundment—or immobilization.

The ultimate cost of an unpaid parking ticket can be burdensome for many Californians. For Californians experiencing homelessness, especially a Californian who lives in their vehicle, the consequences can be devastating.

The Legislature has recognized the disproportionate harm the cost of a parking ticket can have on those with the lowest of incomes. For this reason, recent changes to California law mandate a parking authority, with certain limitations, allow an "indigent" person set up a

payment plan to spread the cost of any parking tickets over time and prevent the authority from imposing late fees and penalties during the period of repayment.

The harms mentioned above lead many organizations, such as the Western Center on Law and Poverty, to support this bill. In contrast, the California Mobility and Parking Association opposes the bill, contending this bill is “rife for misuse and needs to be clarified and limited in its scope,” though the association commits to continuing to “work with the Legislature and advocates to strike a balance to achieve clear, fair and consistent local enforcement while assisting our residents and visitors with staying in compliance.”

- 3) **Related Legislation.** AB 2775 (Quirk-Silva) exempts a person from paying their vehicle registration fee if the person verifies to the DMV, on an annual basis, that they are homeless and using the automobile or recreational vehicle as their residence. The bill provides a homeless services provider that has knowledge of the person’s housing status may verify the person’s status to the DMV. AB 2775 is pending in this committee.

AB 2510 (Bennett) waives the driver’s license renewal fee for a person experiencing homelessness. AB 2510 is pending in this committee.

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